



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,179	03/10/2000	NICOLANGELO PEDUTO	022701-854	4762

21839 7590 06/02/2006

BUCHANAN INGERSOLL PC  
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
----------

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/462,179

Applicant(s)

PEDUTO ET AL.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**REPEATED REJECTIONS**

1. The 35 U.S.C. 103(a) rejection of Claims 1 – 3 and 11 as being unpatentable over Segal et al (U. S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496), of record on page 2 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 4 – 9, 19 – 21 and 23 – 25 as being unpatentable over Segal (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and further in view of Kerschbaumer (U.S. Patent No. 5,219,003), of record on page 4 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) rejection of Claim 10 as being unpatentable over Segal (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and further in view of Yu (U.S. Patent No. 5,256,460), of record on page 5 of the previous Action, is repeated.
4. The 35 U.S.C. 103(a) rejection of Claims 12 and 14 - 18 as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and Kerschbaumer (U.S. Patent No. 5,219,003) and further in view of Princiotta et al (European Patent No. 0646627), of record on page 6 of the previous Action, is repeated.
5. The 35 U.S.C. 103(a) rejection of Claim 13 as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and Kerschbaumer

(U.S. Patent No. 5,219,003) and further in view of VanBuskirk et al (U.S. Patent No. 5,357,030), of record on page 7 of the previous Action, is repeated.

6. The 35 U.S.C. 103(a) rejection of Claim 22 as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and Kerschbaumer (U.S. Patent No. 5,219,003) and further in view of Yu (U.S. Patent No. 5,256,460), of record on page 8 of the previous Action, is repeated.

7. The 35 U.S.C. 103(a) rejection of Claim 26 as being unpatentable over 35 U.S.C. 103(a) as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and further in view of Kitami et al (U.S. Patent No. 4,881,576), of record on page 9 of the previous Action, is repeated.

#### ANSWERS TO APPLICANT'S ARGUMENTS

8. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 3 and 11 as being unpatentable over Segal et al (U. S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496), 35 U.S.C. 103(a) rejection of Claims 4 – 9, 19 – 21 and 23 – 25 as being unpatentable over Segal (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and further in view of Kerschbaumer (U.S. Patent No. 5,219,003), 35 U.S.C. 103(a) rejection of Claim 10 as being unpatentable over Segal (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and further in view of Yu (U.S. Patent No. 5,256,460), 35 U.S.C. 103(a) rejection of Claims 12 and 14 - 18 as being unpatentable over Segal

et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and Kerschbaumer (U.S. Patent No. 5,219,003) and further in view of Princiotta et al (European Patent No. 0646627), 35 U.S.C. 103(a) rejection of Claim 13 as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and Kerschbaumer (U.S. Patent No. 5,219,003) and further in view of VanBuskirk et al (U.S. Patent No. 5,357,030), 35 U.S.C. 103(a) rejection of Claim 22 as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and Kerschbaumer (U.S. Patent No. 5,219,003) and further in view of Yu (U.S. Patent No. 5,256,460) and 35 U.S.C. 103(a) rejection of Claim 26 as being unpatentable over 35 U.S.C. 103(a) as being unpatentable over Segal et al (U.S. Patent No. 3,920,879) in view of Amann et al (German Patent No. 1,595,496) and further in view of Kitami et al (U.S. Patent No. 4,881,576), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 3 of the remarks dated March 6, 2006, that Segal et al merely discloses an extensive list of monomers without any suggestion for selecting the recited materials, and therefore does not disclose the features of Claim 1.

However, the list of five lactam monomers disclosed by Segal et al does not constitute an extensive list; furthermore, the two claimed monomers are disclosed by Segal et al, as stated in the previous Action.

Applicant also argues, on page 4, that there is no suggestion that employing the amounts of materials taught by Amann et al would have resulted in enabling the glass fiber – reinforced composite disclosed by Segal et al to be processed in an especially simple manner.

However, because Amann et al teach the processing of a copolymer having the claimed monomers, Amann et al teach the advantages of processing of the copolymer whether or not it comprises filler.

Applicant also argues, on page 5, that the rejections of Claims 4 – 9, 19 – 21 and 23 – 25 should be withdrawn for the reasons stated above. In response, the answers stated above are repeated.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marc A. Patterson 5/30/06*  
Marc A. Patterson, PhD.  
Primary Examiner  
Art Unit 1772